

PATENT

REMARKS

Following the Advisory Action of August 11, 2004, and with close attention to the Office action (final) of April 29, 2004, this response makes the following amendments:

Claims 9 (as redundant) and 17 (as now elsewhere claimed) are now cancelled.

Claims 1 and 20 are amended in a similar manner to emphasize structure not shown or suggested by the art, by incorporating the essence of cancelled claim 17. The change suggested by examiner in line 19 of claim 1 is also made.

Claim 19 stands as already allowed, but a minor housekeeping punctuation amendment was seen to be appropriate; and is here made for clarity. Namely each paragraph after the first, and except for the last, now ends with a semicolon.

Examiner had rejected claims 1-6, 9, and 12-17 over the combination Fosshage, Ormori and Neagle et al. on the basis of §103.

It is submitted that, as now further amended, claim 1 is patentable over these references and other art of record, in additionally reciting the feature of

the sensor associated with the loading device being such that to sense product position on the loading device, the sensor actually senses a product propelling means on the loading device, whereby the sensor generates signals to the first conveyor for synchronous movement with the loading device so that, irrespective of the presence of products on the loading device, the film sealing and cutting apparatus will continue to effect seals between

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assumed positions of adjacent products as if the products were present.

Although Neagle et al. teaches a device where loading is coordinated and synchronized, the reference to column 5, lines 1-4, does not so far as can be determined provide the function additionally claimed above in amended claim 1, and the language is essentially drawn from now-cancelled claim 17. The reference by Examiner to Neagle element 38 does not seem to be right; as element 38 is a wrapping conveyor (where wrapping occurs before the heat shrinker 28 of Neagle. Fosshage element 13 referse only to an infeed conveyor. Although Fosshage mentions in column 13, lines 43-50, the use of a "suitable optical sensor (not illustrated)" there is not seen or understood to be the function required by now-cancelled claim 17 and instead now recited in claims 1 and 20. The reference to Neagle column 3, line 65, and column 4, line 7; and column 5, lines 30-33, appears to provide no basis for the rejection of claim 17, as there is no suggestion of the specific feature now set forth in claims 1 and 20, namely, "the sensor generates signals to the first conveyor for synchronous movement with the loading device so that, irrespective of the presence of products on the loading device, the film sealing and cutting apparatus will continue to effect seals between assumed positions of adjacent products as if the products were present."

This is an advantage in the presently claimed combination, because of the speed of operation resulting and making certain that an "empty" or "void" package (having null content) will flow right on through film sealing and cutting; and this

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prevents interruption of operation. Such a package is later easily discarded.

The combination of Fosshage, Omori and Neagle et al. fails to suggest the claimed arrangement which is advantageous in that it increases speed and accuracy for high throughput and efficiency of the presently inventive shrink-wrap machine. The vague references to sensors in Fosshage and Neagle et al. does not provide the claimed sensor arrangement and sensor function. It would only be by hindsight that there is a reason to combine Fosshage, Omori and Neagle et al., and yet the art itself, rather Applicants' claims, should be looked to see what it teaches to the person having ordinary skill in the art; and Applicants submit that the art has not so taught; that the claimed combination defines unobviously over the art.

Accordingly, claim 1 should be allowable.

Claims 2-6 remain in their present form and should be allowable with claim 1.

Claims 7-11 have been cancelled.

Claims 12-16 (as previously amended) all relate back claim 1 and should be allowable accordingly with claim 1.

Claim 19 was indicated by Examiner to be allowable, and this is gladly acknowledged. On review, it appeared necessary to be consistent in punctuation, and so a each paragraph after the first, and except for the last, now ends with a semicolon. semicolon. So then, claim 19 should remain allowable.

Considering then claim 20, Examiner relied upon the combination of Fosshage, Omori and Sautter et al., for rejection on the basis of §103, and specifically referring to the Sauter vacuum conveyor 3. Claim 20 is amended in substantially the

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same manner as claim 1, and is believed properly allowable over Fosshage, Omori and Sautter et al. which collectively fail to teach to the skilled artisan the recited combination.

In view of the foregoing, the remaining claims are respectfully submitted to be properly allowable in the application, with the proviso that claim 21, withdrawn from consideration as having been subject to a restriction requirement, should be permitted to remain in the application pending the possible filing of a divisional patent application, or if cancelled by Examiner's Amendment, which will be permissible, so long as cancellation is without prejudice to the filing of a divisional application if Applicants so elect.

Allowance of the remaining claims is solicited accordingly.

While it is believed that the foregoing resolves all remaining issues, if Examiner believes there is any remaining issue, which could be readily resolved or other action could be taken to advance this application, such as Examiner's amendment, it is requested that Examiner please telephone the undersigned.

If necessary to effect a timely response, this paper should be considered as a petition for extension of time of length sufficient to be considered timely.

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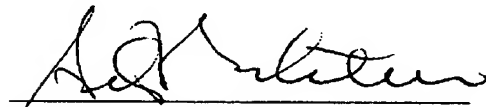
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Any fees required, to the extent not covered by payment submitted herewith, are authorized to be charged to Deposit Account No. 07-1985.

Respectfully submitted,

Date:

2 Sept. 2004



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Attachment(s): Request for Continued Examination with
Transmittal with Certification of Fax Transmittal
Request for Extension of Time (1-mo.)
Fee Authorization Included

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